

REMARKS

I. Status

The Office Action indicates claims 17, 18, 21-32, and 46-56 to be pending in this Application.

Claims 17, 18, 21, 22, 24, 26-32, 46-49, 51, and 53-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kessler (U.S. Patent No. 6,741,288) in view of Bryant (U.S. Patent No. 5,652,615).

Claims 23 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kessler in view of Bryant and Levitan (U.S. Pub. No. 2002/0147769).

Claims 25 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kessler in view of Bryant and Park (U.S. Patent No. 6,724,981).

Claims 17, 30-32, and 46 are independent.

II. Rejection of Independent Claims 17, 30-32, and 46 under 35 U.S.C. 103

The Office Action rejects independent claims 17, 30-32, and 46 under 35 U.S.C. 103(a) as being unpatentable over Kessler in view of Bryant.

However, the Applicant respectfully submits that Kessler and Bryant, taken individually or in combination, fail, for example, to disclose, teach, or suggest:

“... transmitting a service having a control channel over a first portion of a transport stream, in accordance with a first configuration parameter of the service stored by an end user terminal in which the control channel is identified with the first portion of the transport stream;

transmitting a second configuration parameter to the end user using without receiving interactive information from the end user terminal, the second configuration parameter identifying the control channel with a second portion of the transport

stream; and

transmitting the service to the end user terminal over the second portion of the transport stream”

as set forth in claim 17 (emphasis added), and as similarly set forth in each of claims 30 and 31.

As an additional example, Kessler and Bryant, taken individually or in combination, fail to disclose, teach, or suggest:

“... receiving a service having a control channel over a first portion of a transport stream, in accordance with a first configuration parameter of the service stored by an end user terminal in which the control channel is identified with the first portion of the transport stream;

receiving a second configuration parameter through the control channel without providing interactive information, the second configuration parameter identifying the control channel with a second portion of the transport stream; and

accessing the service over the second portion of the transport stream”

as set forth in claim 32 (emphasis added), and as similarly set forth in claim 46.

The Office Action, considering such to be provided by the combination of Kessler and Bryant, contends that Bryant teaches transmitting a service over a first portion and a second portion of a transport stream.

In contending that Bryant teaches transmitting a service over a first portion and a second portion of a transport stream, the Office Action points to base segment A and fill segments C and D of Bryant.

However, Bryant fails, for instance, to disclose, teach, or suggest such base segments and fill segments to be transport stream portions, and instead merely explains them to be program segments, with Bryant explaining the program segments to be movies, sports casts, advertisements, station breaks, and public notices:

“[i]n FIG. 8, there are two sources of program content, e.g., program segments. A broadcaster (BC) generates first segments (A and B) 811. A cable operator (CO) 820 generates second segments (C and D) 812” (see Bryant col. 8 ln. 36-40; emphasis added),

“[c]omposite broadcast signal 300 includes first and second program segment 310 and 320, e.g., ‘base’ and ‘fill’ ...

Generally, the base segments 310 are of a longer duration than the fill segments 320, however this is not required. Also, frequently the program content of the base segments is continuous, e.g., a movie, a sports cast, etc., and extending over a relatively long time period. The fill segments are generally short and disjoint, for example advertisements, station breaks, public notices, and the like” (see Bryant col. 4 ln. 42-55; emphasis added).

Moreover, Bryant fails, for example, to disclose, teach, or suggest that such program segments are transmitted via different transport stream portions from one another.

In view of at least the foregoing, the Applicant respectfully submits that claims 17, 30-32, and 46, as well as those claims that depend therefrom, are in condition for allowance.

III. Dependent Claim Rejections

The Applicant does not believe it is necessary at this time to further address the rejections of the dependent claims as the Applicant believes that the foregoing places the independent claims in condition for allowance. The Applicant, however, reserves the right to further address those rejections in the future should such a response be deemed necessary and appropriate.

(Continued on next page)

CONCLUSION

The Applicant respectfully submits that this Application is in condition for allowance for which action is earnestly solicited.

If a telephone conference would facilitate prosecution of this Application in any way, the Examiner is invited to contact the undersigned at the number provided.

AUTHORIZATION

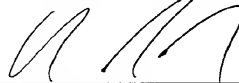
The Commissioner is hereby authorized to charge any fees which may be required for this amendment, or credit any overpayment to Deposit Account No. 13-4500, Order No. 4208-4060.

Furthermore, in the event that an extension of time is required, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above-noted Deposit Account and Order No.

Respectfully submitted,

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